

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARVIN ALEX,

Petitioner,

v.

HENDERSON DETENTION,

Respondent.

Case No. 2:20-cv-02119-KJD-EJY

ORDER

Petitioner Marvin Alex filed a *pro se* habeas corpus petition under 28 U.S.C. § 2241 challenging his continued detention by U.S. Immigration and Customs Enforcement pending enforcement of his final removal order (ECF No. 1-1). His application to proceed *in forma pauperis* (ECF No. 1) is granted.

Alex signed his petition on October 30, 2020, and this court received it on or around November 18, 2020 (see ECF Nos. 1, 1-1). However, on December 4, 2020, the notice from this court to Alex that the petition had been received and assigned a case number, which was served on Alex at his address of record, was returned as undeliverable (see ECF No. 3).¹ Alex has not filed a notice with this court to update his address as required by Local Rule IA 3-1. Accordingly, the petition is dismissed for failure to update address.

¹ The court notes that Alex included an ICE Detainee Request Form where he asked when he would be removed (ECF No. 1-1, p. 22). The ICE officer's response, dated October 20, 2020 states: "I am looking at all possibilities for your removal." *Id.* Thus Alex may have been deported since he filed this petition.

1 **IT IS THEREFORE ORDERED** that the petitioner's application to proceed *in*
2 *forma pauperis* (ECF No. 1) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that the Clerk **file** the petition (ECF No. 1-1).

4 **IT IS FURTHER ORDERED** that the petition is **DISMISSED** without prejudice.

5 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

6 **IT IS FURTHER ORDERED** that the Clerk enter judgment accordingly and close
7 this case.

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9 DATED: 13 January 2021.



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12 KENT J. DAWSON
13 UNITED STATES DISTRICT JUDGE
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